

U.S. Serial No.: 09/752,907

REMARKS

Applicant thanks the Examiner and his supervisor for the courtesy extended to applicant's representative during a telephonic interview on June 30, 2005.

During the interview, applicant presented a proposed claim amendment to claim 1 which is substantially the same as presented above. Applicant explained that the amendment made it clear that the network element is located on the HFC network. Applicant also explained that the applied prior art of Strauss et al. (U.S. Pat. No. 5,790,17) does not use an HFC network. The examiner agreed to consider applicant's arguments upon presentation in the next response.

I. Introduction

Claims 1-24 are pending in the above application.

Claims 1-24 stand rejected under 35 U.S.C. § 102.

Claims 1, 12, 17 and 22 are independent claims.

II. Amendments

Claims 1, 12, 17 and 22 have been amended to more distinctly and particularly point out what applicant regards as the invention therein.

Claims 25-31 have been cancelled without prejudice or disclaimer.

No new matter has been added.

III. Rejections Under Prior Art

A. Claim 1 stands rejected under 35 U.S.C. § 102(b) as being unpatentable over Strauss et al. (U.S. Pat. 5,790,173).

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, Akzo N.V. v. U.S. Int'l Trade Commission, 808 F.2d 1471 (Fed. Cir. 1986); Connell v. Sears, Roebuck & Co., 220 USPQ 193, 198 (Fed. Cir. 1983).

Strauss does not disclose or suggest using managing telephone services provided through a HFC network platform having at least a video display device and a telephone device as recited by each of independent claims 1, 12, 17 and 22. Strauss discloses an optical fiber based telephone network which communicates via optical fiber between a host data terminal (HDT) 180 and optical network units (ONU) 210 (Fig. 3; col. 14: 1-6; col. 16: 65 to col. 17: 8). An ONU drops (connects) to a subscriber via both a coaxial cable for video and a twisted pair for telephone (Fig. 4b; col. 14: 7-19; col. 17: 1-8 and 30-35; col. 22: 65 to col. 23: 6). Strauss does not disclose an HFC network platform which has a video display device and a telephone device, i.e. the telephone device in Strauss is merely a twisted pair drop from the optical fiber network, and separate connections to the subscriber are required for the video and telephone.

Accordingly, as Strauss does not disclose each and every limitation of amended claims 1, 12, 17 or 22, Strauss does not anticipate these claims. Strauss also does not anticipate claims 2-11 which depend on amended claim 1, claims 13-16 which depend on amended claim 12, claims 18-21 which depend on amended claim 17, nor claims 23-24 which depend on amended claim 22.

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IV. Conclusion

Having fully responded to the Office action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited to contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

Date: Jul, 5, 2005

Respectfully submitted,

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